Executive Summary – Enforcement Matter – Case No. 40621 City of Bailey RN101609055 Docket No. 2010-1826-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Bailey, located approximately 900 feet west of Farm-to-Market ("FM") Road 816 and 3,000 feet southwest of the intersection of FM Road 816 and State Highway 11, Fannin County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 10, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$73,650

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$73,650

Total Paid to General Revenue: \$0 Total Due to General Revenue: \$0

Payment Plan: N/A **SEP Conditional Offset:** \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 40621 City of Bailey RN101609055 Docket No. 2010-1826-MWD-E

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: September 8, 2010

Date(s) of NOE(s): September 10, 2010

Violation Information

- 1. Failed to install a staff gauge on the final 90 degree V-notch weir [30 Tex. ADMIN. CODE § 319.11(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013584001, Operational Requirements No. 5].
- 2. Failed to comply with the permitted effluent limitations for biochemical oxygen demand and fecal coliform [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. WQ0013584001, Effluent Limitations and Monitoring Requirements No. 1].
- 3. Failed to submit the discharge monitoring reports ("DMRs") by the 20th day of the following month [30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0013584001, Monitoring and Reporting Requirements No. 1].
- 4. Failed to submit the annual sludge report for the monitoring period ending July 31, 2009 [30 Tex. Admin. Code § 305.125(1) and 305.125(17) and TPDES Permit No. WQ0013584001, Sludge Provisions].
- 5. Failed to report effluent violations which deviate from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance [30 Tex. Admin. Code § 305.125(1) and 9(A) and TPDES Permit No. WQ0013584001, Monitoring and Reporting Requirements Nos. 7.a and 7.c.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days:
- i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished and that timely noncompliance notices are sent, including the timely submittal of signed and certified monthly DMRs, noncompliance notifications, and annual sludge reports;

Executive Summary – Enforcement Matter – Case No. 40621 City of Bailey RN101609055 Docket No. 2010-1826-MWD-E

ii. Submit the DMRs for June 30, 2008, July 31, 2008, September 30, 2008, October 31, 2008, November 30, 2008, December 31, 2008, January 31, 2009, February 28, 2009, March 31, 2009, April 30, 2009, May 31, 2009, June 30, 2009, and July 31, 2009; and

- iii. Install a staff gauge on the final 90 degree V-notch weir.
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.
- c. Within 365 days, submit written certification demonstrating compliance with permitted effluent limits.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEO Enforcement Coordinator: Jennifer Graves, Enforcement Division,

Enforcement Team 1, MC R-15, (956) 430-6023; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Kenneth Burks, Mayor Pro-Tem, City of Bailey, P.O. Box 159, Bailey,

Texas 75413

Respondent's Attorney: N/A

	Penalty Calculation	n Worksheet (PC	•	
Policy Revision 2 (Sep	otember 2002)		PCW Revision Oc	tober 30, 2008
DATES Assigned PCW	15-Oct-2010 Screening 26-Oct-2010	EPA Due		
RESPONDENT/FACILIT	Y INFORMATION			
Respondent (City of Bailey			
Reg. Ent. Ref. No.			T	
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor	
CASE INFORMATION			2.2. V 15.19 (10). V 10 (10) V 10 (1	
Enf./Case ID No.	40621	No. of Violations	6	
Docket No.	2010-1826-MWD-E	Order Type		
Media Program(s)	Water Quality	Government/Non-Profit		
Multi-Media		Enf. Coordinator		
Admin. Penalty \$ L	imit Minimum \$0 Maximum	\$10,000	Enforcement Team 1	<u></u>]
Admin. Penalty 3 L	init Milliani \$0 Maximum	\$10,000		
	Penalty Calculat	tion Section		
			the State of the later of the l	
TOTAL BASE PENA	LTY (Sum of violation base penal	ties)	Subtotal 1	\$58,500
ADJUSTMENTS (+/	/-) TO SUBTOTAL 1		gayyaan bara bara	
	tained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	1 11/1.59	D. P. W. St. Kakasak of midde
Compliance His			tals 2, 3, & 7	\$33,345
	Enhancement for nine months of self-report			
Notes	NOVs with same/similar violations, and	one NOV with dissimilar		
	violations.			
Culpability	No 0.0%	Enhancement	Subtotal 4	\$0
	Property of the second			
Notes	The Respondent does not meet the	culpability criteria.		
L				
Cood Ealth Effo	ort to Comply Total Adjustments		Subtotal 5	\$0
Good Faith Eff	ort to Comply Total Aujustments		Subtotal 3	\$ 0
Economic Bene		Enhancement*	Subtotal 6	\$0
Annroy	Total EB Amounts \$7,434 *Cappe Cost of Compliance \$52,300	ed at the Total EB \$ Amount		
дургох.	\$52,500			
SUM OF SUBTOTAL	S 1-7	F	inal Subtotal	\$91,845
OTHER FACTORS A	S JUSTICE MAY REQUIRE	-19.8%	Adjustment	-\$18,195
Reduces or enhances the Final	Subtotal by the indicated percentage.		1	
NI-1	Recommend reduction so that the self-re	eported violations and the		
Notes	reporting violations do not overly i			
L		Final Per] naity Amount	\$73,650
		i mai rei	iaity miliodite	4,3,030
STATUTORY LIMIT	ADJUSTMENT	Final Asse	ssed Penalty	\$73,650
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DEFERRAL		0.0% Reduction	Adjustment	\$0
	nalty by the indicted percentage. (Enter number only; e	e.g. 20 for 20% reduction.)]	
		F: 1: 0 1		
Notes	No deferral is recommended for	rinaings Orders.	I	

PAYABLE PENALTY

\$73,650

PCW

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent City of Bailey
Case ID No. 40621
Reg. Ent. Reference No. RN101609055
Media [Statute] Water Quality

Media [Statute] Water Quality
Enf. Coordinator Jennifer Graves

ipiiance nisto Component	ry Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjus
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	11	55%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
م مانده	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
• • • • • • • • • • • • • • • • • • • •	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2
eat Violator (****
No	Adjustment Per	centage (Sub	total 3
pliance Histo	ry Person Classification (Subtotal 7)		
Average Pe	erformer Adjustment Per	centage (Sub	total 7
nliance Histo	ory Summary	Evopou i los materias e	5.000.000.000.000.000.000.000.000.000.0

Total Adjustment Percentage (Subtotals 2, 3, & 7) 57%

Respondent City of Bailey Case ID No. 40621 Reg. Ent. Reference No. N101609055 Reg. Ent. Reference No. N101609055 Media [Statute] Water Quality Enf. Coordinator Jordan Water Quality Enf. Coordinator Violation Number Rule Cite(s) System ("TPDES") Permit No. WQ0013584001, Operational Requirements No. 5 Violation Description Falled to Install a staff gauge on the final 90 degree V-notch weir. Sase Penalty \$10,000 >> Environmental, Property and Human Health Matrix Harm OR Release Major Moderate Minor Percent 556 >> Programmatic Matrix Notes Nature Notes Number of Violation Events Statutory Limit Test Estimated EB Amount Statutory Limit Test This violation Final Assessed Penalty (adjusted for limits) This violation Final Assessed Penalty (adjusted for limits)	Screening Date		Docket No. 2010-1826-MWD-E	PCW
Reg. Ent. Reference No. RN10169055 Medial [Statute] Water Quality Enf. Coordinator Jennifer Graves Violation Number Tropics** Permit No. WQ0013584001, Operational Requirements No. 5 System ("TPDES") Permit No. WQ0013584001, Operational Requirements No. 5 Violation Description Falled to install a staff gauge on the final 90 degree V-notch weir. Sase Penalty S10,000 **Percent S%** **Percent S%*	\$ - TABLE CONTROL OF C			· ·
Media (Statute) Water Quality	Section 1981 Commission and Administration (ACMINISTRATION CONTINUED TO ACTUAL ACTU		PCI	W Revision October 30, 2008
Violation Number 1 30 Tex. Admin. Code § 319.11(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. wQ0013584001, Operational Requirements No. 5				**************************************
Rule Cite(s) 30 Tex. Admin. Code § 319.11(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ001354001, Operational Requirements No. 5	Enf. Coordinator	Jennifer Graves		***************************************
System ("TPDES") Permit No. WQ0013584001, Operational Requirements No. 5	Violation Number	T 1		
Sase Penalty \$10,000	Rule Cite(s			
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential X Percent 5% >> Programmatic Matrix Faisification Major Moderate Minor Faisification Major Faisification Maj	Violation Description	Failed to install a st	taff gauge on the final 90 degree V-notch weir.	
Number of Violation Events Number of Violation Events Notes No	4		Base Pena	slty \$10,000
Release Major Moderate Minor Actual Potential Noderate Minor Percent 5% >>Programmatic Matrix Faishcation Major Moderate Minor Faishcation Major Moderate Minor Percent 0% Matrix Motes Human health or the environment will or could be exposed to the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment. Adjustment \$9,500 \$500 Violation Events Number of Violation Events Number of Violation Events One single event x One single event is recommended. Good Faith Efforts to Comply One single event is recommended. Good Faith Efforts to Comply The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$500 Economic Benefit (EB) for this violation Estimated EB Amount \$31 Violation Final Penalty Total \$629	>> Environmental, Prope	rty and Human Health	Matrix	and the second s
OR	Pelease		Minor	42.00
>>Programmatic, Matrix Fasification Major Moderate Minor Percent 0% Matrix Notes Human health or the environment will or could be exposed to the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment. Adjustment 59,500 Violation Events Number of Violation Events 1 Number of violation days daily weekly monthly weekly monthly semiannual annual single event x One single event is recommended. Good Faith Efforts to Comply 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Statutory Limit Test Estimated EB Amount 531 Violation Final Penalty Total 5629			Pinor	
Falsification Major Moderate Minor Percent 0% Human health or the environment will or could be exposed to the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment. Adjustment	Potentia		x Percent 5%	
Falsification Major Moderate Minor Percent 0% Human health or the environment will or could be exposed to the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment. Adjustment	SS Drogrammetic Metalic			-
Human health or the environment will or could be exposed to the release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment. Adjustment		Major Moderate	Minor	
of pollutants which would not exceed levels that are protective of human health or the environment. Adjustment				
of pollutants which would not exceed levels that are protective of human health or the environment. Adjustment				
Adjustment \$9,500 \$500				nts
Adjustment \$9,500 \$500	Notes Of point		•	
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Number of Violation Events Number of Violation Events 1	Machinical Market Constitution		Adjustment \$9,	500
Number of Violation Events Number of Violation Events 1	rivinantian			\$500
Number of Violation Events 1 Number of violation days daily				
daily weekly monthly quarterly semiannual annual single event x Cood Faith Efforts to Comply 0.0% Reduction 80	Violation Events			
Weekly monthly wonth an x with	Number of	Violation Events 1	1 Number of violation days	
Weekly monthly wonth an x with		dally	-	
Semlannual annual single event	mark only one	weekly monthly	Walakian Basa Basa	.
Good Faith Efforts to Comply One single event is recommended. \$0 Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$500 Economic Benefit (EB) for this violation \$31 Violation Final Penalty Total \$629	with an x	semiannual	Violation Base Pena	11 ty \$500
Good Faith Efforts to Comply D.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$31 Violation Final Penalty Total \$629			4	000000
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Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$500 Economic Benefit (EB) for this violation \$\$tatutory Limit Test\$ Estimated EB Amount \$31 Violation Final Penalty Total \$629		One single	event is recommended.	
Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$500 Economic Benefit (EB) for this violation \$31 Violation Final Penalty Total \$629	Good Faith Efforts to Com	noly 0.0%	Reduction	\$0
Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$31 Violation Final Penalty Total \$629		Before NOV		· ·
N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$31 Violation Final Penalty Total \$629	renew who	·		
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this violation. Violation Subtotal \$500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$31 Violation Final Penalty Total \$629	nennum	N/AI X	I(mark with x)	
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$31 Violation Final Penalty Total \$629		Notes The Respond		
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$31 Violation Final Penalty Total \$629	VIII	E	Violation Subto	stal \$500
Estimated EB Amount \$31 Violation Final Penalty Total \$629	Economic Benefit (EB) for	this violation		
This violation Final Assessed Penalty (adjusted for limits) \$629	Estima		-	
		This viol	lation Final Assessed Penalty (adjusted for limi	ts) \$629

Respondent Case ID No.	City of Bailey 40621	conomic	Benefit	Wo	rksheet	Other Transfer Table No.	
Reg. Ent. Reference No. Media Violation No.	Water Quality		1.1.4			Percent Interest	Years of Depreciation
						5.0	15
			Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs			819132 - HINNES				
Equipment	\$500	8-Sep-2010	31-Jul-2011	0.89	\$1	\$30	\$31
Buildings	3300	0-360-2010	31"JU -2011	0.00	\$0	\$0	\$0
Other (as needed)		1		0.00	\$0	\$0	\$0
Engineering/construction		1		0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a ·····	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs		investigatio	on date. Final d	ate is t	he expected date	tch weir. Date requi of compliance. for one-time avoid	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)		1		0.00	\$0	\$0 l	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$500			TOTAL		\$31

	ng Date 26-Oct-2010	Docket No. 2010-1826-MWD-E	PCW
3 APP 8 No. 10 APP 100 PT 1	ondent City of Bailey		sion 2 (September 2002)
Single State (State Control of the C	ID No. 40621 nce No. RN101609055	PCW Re	evision October 30, 2008
	tatute] Water Quality		
	dinator Jennifer Graves	\$	· · · · · · · · · · · · · · · · · · ·
Violation			***************************************
Rule	e Cite(s)	do 5 26 121/5)/1) 20 Toy Admin Codo 5 205 125/1) TDD5C Downit	1
		de § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), TPDES Permit L3584001, Effluent Limitations and Monitoring Requirements No. 1	
The second secon	110. WQ003	.555 1551, Emacre Emiliations and Homeoring Requirements No. 1	
	F-11-4 t	and the bloom and the design of the bloom and the state of the bloom and the	
Violation De		nply with the permitted effluent limitations, as documented during a w on September 8, 2010, and shown in the attached violation table.	80000
	1 333.3 . 3 . 3 . 3	To be determined by 2020, and anomalia account to be determined to be dete	
	<u> </u>		<u> </u>
		Base Penalty	\$10,000
>> Environmental,	Property and Hum	an Health Matrix	
	Balance Made	Harm	
OR	Release Major Actual	Moderate Minor	
UK .	Potential	Percent 10%	
>>Programmatic N			
Fal:	sification Major	Moderate Minor	
<u> </u>		Percent 0%	
			۱ ا
Matrix Hum	an health or the environr	nent has been exposed to insignificant amounts of pollutants which do	
Notes	not exceed levels tha	it are protective of human health or environmental receptors.	
<u> </u>			J
		Adjustment \$9,000	0
			- 41 000
			\$1,000
Violation Events			
			···
Nu	umber of Violation Events	1 122 Number of violation days	
	daily		
	weekly		
	monthly		
	k only one oith an x quarterly	X Violation Base Penalty	\$1,000
	semiannual		
797	annual		
Q	single event		
			1
	One quarterly event is re	ecommended for the quarter containing the month of April 2010.	-
<u>L</u>	·		
Good Faith Efforts	to Comply	0.0% Reduction	\$0
GOOD I GIGH EHOLES	to comply	Before NOV NOV to EDPRP/Settlement Offer	T-
	Extraordinary		
and an artist of the second	Ordinary		2000
	N/A	x (mark with x)	
Constitution of the Consti		The Respondent does not meet the good faith criteria for	1000
	Notes	this violation.	

		Violation Subtota	\$1,000
Economic Benefit (EB) for this violation	on Statutory Limit Test	
	Estimated EB Amount	\$6,415 Violation Final Penalty Tota	I \$1,259
		This violation Final Assessed Donalty (additional for the base)	#1 2F0
		This violation Final Assessed Penalty (adjusted for limits)	\$1,259
	······································		

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No.		de Kister er er er begund ut i de stepper fir	ne descriptor for the length of the Andreas				
ea. Ent. Reference No.		;					
	Water Quality					Percent Interest	Years of Depreciation
	Mir declar			ki miji.		5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved		EB Amount
Item Description	No commas or \$	List of the service of particles					
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50,000	30-Sep-2009	31-Jul-2011	1.83	\$305	\$6,110	\$6,415
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal		ļ		0.00	\$0	n/a	\$0
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a n/a	<u>\$0</u> \$0
Notes for DELAYED costs				compl	iance.	Final date is the exp	
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
spection/Reporting/Sampling	<u> </u>	 	······································	0.00	\$0	\$0	\$0
Supplies/equipment	<u></u>	<u> </u>		0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0 \$0	<u>\$0</u>
ONE-TIME avoided costs [3]				0.00	\$0 \$0	\$0	\$0 \$0
Other (as needed) Notes for AVOIDED costs		!! !		<u> 11 0.00</u>	1 20	1 30 1	30
Approx. Cost of Compliance		\$50,000			TOTAL		\$6,415

***************************************		ening Date		Docket No. 2010-1826-MWD-E	PCW
		espondent ase ID No.			on 2 (September 2002)
Rea.			RN101609055	PCW REV	ision October 30, 2008
	Medi	a [Statute]	Water Quality		
		oordinator ation Number	Jennifer Graves		
	VIOI	Rule Cite(s)			
			Tex. Water Cod	le § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), TPDES Permit 3584001, Effluent Limitations and Monitoring Requirements No. 1	
	Violetie	n Description	Failed to com	ply with the permitted effluent limitations, as documented during a	
	Violatio	n Description	record review	on September 8, 2010, and shown in the attached violation table.	
		İ	<u>L</u>		
				Base Penalty [\$10,000
>> Env	/ironmer	ntal, Proper	ty and Huma	an Health Matrix	
		Release	Major	Harm Moderate Minor	***
OR		Actual	X		
		Potential		Percent 50%	***************************************
>>Pro	gramma	tic Matrix			
		Falsification	Major	Moderate Minor Percent 0%	***
			<u> </u>	Tereone 570	
				·	
	Matrix	l .		nment has been exposed to significant amounts of pollutants which	
	Notes	exc	eed levels that a	re protective of human health or environmental receptors.	
				Adjustment \$5,000	
				Г	\$5,000
_					
Violati	on Event	S			***
		Number of \	Violation Events	7 181 Number of violation days	de l'observe
			daily		
		,	weekly	·	
		mark only one	monthly	XViolation Base Penalty \(\)	\$35,000
		with an x	quarterly semiannual	Violation base remaity	\$33,000
			annual		
			single event		***************************************
		Seven month	ly events are re	commended for the months of September, October, November, and	OR CONTRACTOR OF THE CONTRACTO
*				f 2009 and January, February, and March of 2010.	***************************************
Good F	aith Effo	rts to Com	ply	0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	\$0
			Extraordinary		
			Ordinary		***************************************
			N/A 	X (mark with x)	an company
			Notes	The Respondent does not meet the good faith criteria for this violation.	accerticis access
			[
				Violation Subtotal	\$35,000
Econor	nic Bene	fit (EB) for	this violatio	n Statutory Limit Test	
		Estimate	ed EB Amount[\$0 Violation Final Penalty Total	\$44,064
				This violation Final Assessed Penalty (adjusted for limits)	\$44,064

		conomic	benent	AA O	rksneet		
Respondent							
Case ID No.	40621						
ea. Ent. Reference No.	RN101609055						,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Media	Water Quality					Percent Interest	Years of
Violation No.	3					r ci ceint anterest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs			ing Took Carlos Baret Source State				4.5
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling		<u> </u>		0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)		ļ		0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs			See Economic	Benefi	t for Violation No.	2.	
141.2	ANNIIAI	IZF [1] avoided					led costs)
Avoided Costs	ANNUAL	IZE [1] avoided		enterir	ng item (except	for one-time avoid	
141.2	ANNUAL	IZE [1] avoided					\$0 \$0
Avoided Costs Disposal Personnel	ANNUAL	IZE [1] avoided		enterir 0.00	ng item (except	for one-time avoid	\$0
Avoided Costs Disposal Personnel	ANNUAL	IZE [1] avoided		0.00 0.00	ng item (except	for one-time avoid \$0 \$0	\$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling	ANNUAL	IZE [1] avoided		0.00 0.00 0.00	ng item (except \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0	\$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	ANNUAL	IZE [1] avoided		0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel propertion/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL	IZE [1] avoided		0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANNUAL	IZE [1] avoided		0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL	IZE [1] avoided		0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	26-Oct-2010	Docket No. 2010-1826-MWD-E	***************************************	PCW
Respondent Case ID No.	, ,		•	on 2 (September 2002)
Reg. Ent. Reference No.			PCW Rei	rision October 30, 2008
Media [Statute]	Water Quality			
Enf. Coordinator Violation Number	Jennifer Graves			
Rule Cite(s)	30 Tay Admin	Code §§ 305.125(1) and (17) and 319.7(d) and TPDES Po	ormit No	
	1	13584001, Monitoring and Reporting Requirements No. 1	ermic No.	
	Failed to subn	nit the discharge monitoring reports ("DMRs") for the mor	nitoring	
		June 30, 2008, July 31, 2008, September 30, 2008, Octoer 30, 2008, December 31, 2008, January 31, 2009, Febr		
Violation Description	2009, March 31	, 2009, April 30, 2009, May 31, 2009, June 30, 2009, and	July 31,	
V en contract de la	2009, by the	20th day of the following month, as documented during a review conducted on September 8, 2010.	record	£
:	<u> </u>		- n W - [#10.000
			e Penalty	\$10,000
>> Environmental, Proper	ty and Huma	n Health Matrix Harm		
Release	Major	Moderate Minor		
OR Actual Potential		Percent 0%		
	<u> </u>			
>>Programmatic Matrix Falsification	Major	Moderate Minor		
Taismeadon	×	Percent 10%		
				4
Matrix				***************************************
Notes	100%	of the permit requirement was not met.		en e
				140000000000000000000000000000000000000
-		Adjustment	\$9,000	***************************************
		Avjustriant	\$9,000 r	
***************************************			L	\$1,000
Violation Events				***************************************
Number of \	/iolation Events	13 395 Number of violation	days	
	dally			and the same of th
-	weekly			Marie American
mark only one	monthly	XViolation Bas	e Penalty	\$13,000
with an x	semiannual	Violation basis	e i endicy [Ψ13,000
	annual single event			usentimon
	Single event			низминост
	Third	teen monthly events are recommended.		Annannam
				nenezacione
Good Faith Efforts to Com	olv –	0.0% Reduction	[\$0
		Before NOV NOV to EDPRP/Settlement Offer	L	
	Extraordinary Ordinary) ()) velikir velik
	N/A	X (mark with x)		
	N	he Respondent does not meet the good faith criteria for		***************************************
	Notes	this violation.		***************************************
730000000000000000000000000000000000000	<u></u>	Violeties	Subtata	412 000
		Violation	_	\$13,000
Economic Benefit (EB) for	this violation	Statutory Limit	Test	
Estimate	ed EB Amount	\$114 Violation Final Pena	alty Total	\$16,367
		This violation Final Assessed Penalty (adjusted for	or limits)	\$16,367

		conomic	Benefit	Wo	rksheet		
Respondent Case ID No. eg. Ent. Reference No.	40621						
	Water Quality					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs			111111111111111111111111111111111111111				
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$250	8-Sep-2010	31-Jul-2011	0.89	\$1	\$15	\$16
Engineering/construction				0.00	\$0 \$0	\$0 n/a	\$0 \$0
Land Record Keeping System				0.00	\$0	n/a	\$0 \$0
Training/Sampling		 		0.00	\$0	n/a	\$0 \$0
Remediation/Disposal	<u> </u>			0.00	\$0	n/a	\$0
Permit Costs	1			0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	H	,			•	n/a n/a oloyee training to ensents are met. Date	
	The estima monitoring re investigation submit the DI	ated cost to updat ecords are properly on date. Final date MRs (\$50 x 13 DM	e operational go y maintained ar e is the expecte Rs = \$650). Da the expect	3.03 uidance nd all re d date ate req ted dat	\$98 and conduct emperating requirements of compliance. The compliance is the date the compliance.	n/a ployee training to ensents are met. Date the estimated cost to the first DMR was due	\$98 sure that all required is the prepare and e. Final date is
Other (as needed) Notes for DELAYED costs Avoided Costs	The estimation of the control of the	ated cost to updat ecords are properly on date. Final date MRs (\$50 x 13 DM	e operational go y maintained ar e is the expecte Rs = \$650). Da the expect	3.03 uidance nd all re d date ate req ted dat	\$98 e and conduct emperoring requirements of compliance. The compliance is the date the compliance of compliance. Inglitem (except)	n/a ployee training to ensents are met. Date to estimated cost to the first DMR was due	\$98 sure that all required is the prepare and e. Final date is
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	The estimation of the control of the	ated cost to updat ecords are properly on date. Final date MRs (\$50 x 13 DM	e operational go y maintained ar e is the expecte Rs = \$650). Da the expect	3.03 uidance nd all re d date ate req ted dat enterii 0.00	\$98 and conduct emperoring requirements of compliance. The compliance of compliance of compliance. The compliance of compliance of compliance of compliance of compliance of some second compliance of	n/a ployee training to ensents are met. Date the estimated cost to the first DMR was during for one-time avoic	\$98 sure that all required is the prepare and e. Final date is led costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	The estimation of the control of the	ated cost to updat ecords are properly on date. Final date MRs (\$50 x 13 DM	e operational go y maintained ar e is the expecte Rs = \$650). Da the expect	3.03 uidance d date ate req ted dat enterii 0.00 0.00	\$98 and conduct empeporting requirement of compliance. The control of compliance of compliance. The control of compliance of compliance of compliance. The control of compliance of co	n/a ployee training to ensents are met. Date the estimated cost to the first DMR was during for one-time avoid \$0 \$0	\$98 sure that all required is the prepare and e. Final date is led costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	The estimation of the control of the	ated cost to updat ecords are properly on date. Final date MRs (\$50 x 13 DM	e operational go y maintained ar e is the expecte Rs = \$650). Da the expect	3.03 uidance d all re d date ate req ted dat enterii 0.00 0.00 0.00	\$98 e and conduct empeporting requirement of compliance. The puried is the date the of compliance. Ingitem (except \$0 \$0 \$0 \$0 \$0	n/a ployee training to ensents are met. Date the estimated cost to the first DMR was dure for one-time avoic \$0 \$0 \$0 \$0	\$98 sure that all required is the prepare and e. Final date is led costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	The estimation of the control of the	ated cost to updat ecords are properly on date. Final date MRs (\$50 x 13 DM	e operational go y maintained ar e is the expecte Rs = \$650). Da the expect	3.03 uidance d all re d date ete req ted dat enterii 0.00 0.00 0.00 0.00	\$98 e and conduct emperoring requirement of compliance. The compliance of compliance of compliance. so the compliance of compli	n/a ployee training to ensents are met. Date the estimated cost to the first DMR was dure for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$98 sure that all required is the prepare and e. Final date is led costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	The estimation of the control of the	ated cost to updat ecords are properly on date. Final date MRs (\$50 x 13 DM	e operational go y maintained ar e is the expecte Rs = \$650). Da the expect	3.03 uidance d all re d date et e req ed dat none 0.00 0.00 0.00 0.00	\$98 e and conduct emperorting requirement of compliance. The compliance of compliance	n/a ployee training to ensents are met. Date the estimated cost to the first DMR was due for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$98 sure that all required is the prepare and e. Final date is led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	The estimation of the control of the	ated cost to updat ecords are properly on date. Final date MRs (\$50 x 13 DM	e operational go y maintained ar e is the expecte Rs = \$650). Da the expect	3.03 uidance d all re d date enteri 0.00 0.00 0.00 0.00 0.00	\$98 e and conduct emperorting requirement of compliance. The compliance of compliance	n/a ployee training to ensents are met. Date the estimated cost to the first DMR was due for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$98 sure that all required is the prepare and e. Final date is led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	The estimation of the control of the	ated cost to updat ecords are properly on date. Final date MRs (\$50 x 13 DM	e operational go y maintained ar e is the expecte Rs = \$650). Da the expect	3.03 uidance d all re d date et e req ed dat none 0.00 0.00 0.00 0.00	\$98 e and conduct emperorting requirement of compliance. The compliance of compliance	n/a ployee training to ensents are met. Date the estimated cost to the first DMR was due for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$98 sure that all required is the prepare and e. Final date is led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	The estimation of the control of the	ated cost to updat ecords are properly on date. Final date MRs (\$50 x 13 DM	e operational go y maintained ar e is the expecte Rs = \$650). Da the expect	3.03 uidance d all re d date enteri 0.00 0.00 0.00 0.00 0.00	\$98 e and conduct emperorting requirement of compliance. The compliance of compliance	n/a ployee training to ensents are met. Date the estimated cost to the first DMR was due for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$98 sure that all required is the prepare and e. Final date is led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		Docket No	2010-1826-MWD-E	PCW
Responden Case ID No				vision 2 (September 2002) Revision October 30, 2008
Reg. Ent. Reference No	RN101609055			· · · · · · · · · · · · · · · · · · ·
Media (Statute				
Enf. Coordinato Violation Numbe				and the state of t
Rule Cite(s		ode § 305.125(1) and 305.12	5(17) and TPDES Permit No.	
	30 Text Admirt, ed	WQ0013584001, Sludge Pr		vo v v
Violation Description			nonitoring period ending July 31 ducted on September 8, 2010.	,
			Base Penal	\$10,000
>> Environmental, Prope				
Releas	Ha ı <u>Major Mode</u>			
OR Actual Potentia			Percent 0%	TO THE TOTAL PROPERTY OF THE TOTAL PROPERTY
			2000	
>>Programmatic Matrix Falsification	Major Mode	erate Minor		
	X		Percent 10%	
				7
Matrix Notes	100% of th	ne permit requirement was no	ot met.	
			Adjustment \$9,00	001
				\$1,000
Violation Events				
Number of	Violation Events 1	372	Number of violation days	
mark only one with an x	daily weekly monthly quarterly semiannual annual single event x		Violation Base Penalt	t y \$1,000
	One s	single event is recommended		The Distance of the Distance o
Good Faith Efforts to Con	Extraordinary Ordinary N/A x			\$0
***************************************			Violation Subtot	al \$1,000
Economic Benefit (EB) fo	this violation		Statutory Limit Test	
Estima	ted EB Amount	\$13	Violation Final Penalty Total	al \$1,259
	Th	nis violation Final Assessed	l Penalty (adjusted for limits	\$1,259

Media Violation No.	RN101609055 Water Quality					Percent Interest	Years of Depreciation
Violation No.						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs	V - 02022 1 - 0253 653 1 V - 6838 4 683 683 1		111111-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1				
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	1-Sep-2009	31-Jul-2011	1.91	\$1	\$13	\$13
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs							
Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
	Estimated cos		_	0.00 annua	\$0	n/a Date required is the	\$0
Other (as needed) Notes for DELAYED costs		was di	ue. Final date i	0.00 annua s the e	\$0 al sludge report. E expected date of co	n/a Date required is the impliance.	\$0 date the repor
Other (as needed)		was di	ue. Final date i	0.00 annua s the e	\$0 al sludge report. E expected date of co	n/a Date required is the	\$0 date the repor
Other (as needed) Notes for DELAYED costs Avoided Costs		was di	ue. Final date i	0.00 annua s the e	\$0 al sludge report. Expected date of co and item (except \$0 \$0	n/a Date required is the impliance. for one-time avoid \$0 \$0	\$0 date the repor
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel		was di	ue. Final date i	annua s the e enterin	\$0 al sludge report. Expected date of co	n/a Date required is the impliance. for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 date the repor
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal		was di	ue. Final date i	e annua s the ex enterir 0.00 0.00 0.00 0.00	\$0 al sludge report. Expected date of co and item (except \$0 \$0 \$0 \$0	n/a Date required is the impliance. for one-time avoic \$0 \$0 \$0 \$0 \$0	\$0 date the repor led costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel pection/Reporting/Sampling		was di	ue. Final date i	e annua s the er enterii 0.00 0.00 0.00 0.00	\$0 al sludge report. Expected date of co ng item (except \$0 \$0 \$0 \$0 \$0	n/a Date required is the impliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 date the repor ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] DNE-TIME avoided costs [3]		was di	ue. Final date i	enterio 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 al sludge report. Expected date of co ng item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a Date required is the impliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 date the repor \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Dection/Reporting/Sampling Supplies/equipment		was di	ue. Final date i	e annua s the er enterii 0.00 0.00 0.00 0.00	\$0 al sludge report. Expected date of co ng item (except \$0 \$0 \$0 \$0 \$0	n/a Date required is the impliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 date the report s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

		ening Date			Docke	t No. 2010-1826-MWD-E		PCW
		tespondent					Policy Revisio	n 2 (September 2002)
		Case ID No.					PCW Rev	ision October 30, 2008
Reg.		erence No.						
		a [Statute]						
	1 10 24 6 1 4 7 7	18 TARREST AMERICAN ASSESSMENT OF	Jennifer Graves	; !				***************************************
	Viola	ation Number		<u> </u>				***************************************
		Rule Cite(s)				d 9(A), and TPDES Permit N g Requirements Nos. 7.a an	11	
	Violatio	n Description	limitation by n Division w Specifically, the	nore than 40% ithin five work e Respondent ons for the m	% in writing to the king days of becom did not submit wr onths of Septembe	eviate from the permitted ef Regional Office and the Enfo ning aware of the noncompli- itten notification for the feca er, October, November and I March, and April 2010.	orcement ance. al coliform	the filled and the second seco
						Base	e Penalty[\$10,000
	•	- L- 1 - D		1/1			_	
>> Env	ıronmei	птаї, Ргорег	ty and Hum	an neaith Harm	matrix			
		Release	Major	Moderate	Minor			
OR		Actual						4.00
		Potential				Percent 0%		Andrew An
								Ball of the Control o
>>Prog	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor	_		
			X			Percent 10%		
	Matrix						` 	
	Notes	* *	100	1% of the peri	mit requirement w	as not met.		
			 			· · · · · · · · · · · · · · · · · · ·		
							+0.000	
						Adjustment	\$9,000	1
							Γ	\$1,000
							_	
Violatio	on Event	:S						
		Number of \	/iolation Events	8		Number of violation	davs	and the state of t
		mark only one with an x	daily weekly monthly quarterly			Violation Base	·	\$8,000
	!		semiannual annual single event	X				
				Eight single e	events are recomm	nended.		minvammanamman
Good F	aith Effo	orts to Com	ply	0.0%	Reduction			\$0
				Before NOV	NOV to EDPRP/Settle	ment Offer		
			Extraordinary		-			
			Ordinary					
			N/A	X	(mark with x)			
			Notes	The Respond	lent does not mee this viola	t the good faith criteria for tion.		TO P I WATER TO THE PARTY TO TH
						Violation	Subtotal	\$8,000
Econon	nic Bene	fit (EB) for	this violatio	in		Statutory Limit	Test	
	770718	Estimate	ed EB Amount		\$430	Violation Final Pena	aity Total	\$10,072
				Th:!-	Intion Final Acco	and Donalin /- divat - 4 f	au line!+-\	#10.072
				i nis Vio	ration Final ASSE	essed Penalty (adjusted f	or HMICS)	\$10,072

Date Required	Final Date	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 \$0 \$0 \$0 \$0 \$0 n/a n/a n/a n/a n/a	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Date Required	Final Pate	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 n/a n/a n/a n/a	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
		0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 n/a n/a n/a n/a n/a	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
		0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 n/a n/a n/a n/a n/a	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
		0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 n/a n/a n/a n/a n/a	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
		0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 n/a n/a n/a n/a n/a	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
		0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 n/a n/a n/a n/a n/a	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
		0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 n/a n/a n/a n/a n/a	\$0 \$0 \$0 \$0 \$0 \$0
		0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a	\$0 \$0 \$0 \$0 \$0
		0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	n/a n/a n/a n/a	\$0 \$0 \$0 \$0
		0.00 0.00 0.00	\$0 \$0 \$0	n/a n/a n/a	\$0 \$0 \$0
		0.00	\$0 \$0	n/a n/a	\$0 \$0
		0.00	\$0	n/a	\$0
				10.0	
E [1] avoided	costs before	enterir	ng item (except	for one-time avoid	ed costs)
II.		0.00	\$0	\$0	\$0
			\$0	\$0	\$0
		0.00	\$0	\$0	\$0
		0.00	\$0	\$0	\$0
		0.00	\$0	\$0	\$0
5-Oct-2009	5-May-2010	1.50	\$30	\$400	\$430
		0.00	\$0	\$0	\$0
	oided cost to su 400). Date req	oided cost to submit the requir 400). Date required is the dat	0.00 0.00 0.00 0.00 0.00 5-Oct-2009 5-May-2010 1.50 0.00 0.00 0.00 0.00 0.00 0.00	0.00 \$0	0.00 \$0 \$0 \$0 \$0 \$0 \$0 \$

EFFLUENT VIOLATION TABLE						
City of Bailey						
TPDES Permit I	No. WQ0013584001					
Docket No. 2010-1826-MWD-E						
BOD Daily Avg. Conc.	Fecal Coliform Bacteria Daily Avg.	Fecal Coliform Bacteria Max. Single Grab				
Limit = 30 mg/L	Limit = 200 cfu/100 mL	Limit = 800 cfu/100 mL				
c	3,925.00	7,600				
c	14,825.00	40,000				
36.00	2,441.00	6,600				
38.00	1,022.50	3,000				
38.25	10,800.00	18,000				
35.00	12,450.00	23,000				
С	9,908.00	35,000				
С	250.00	С				
	City TPDES Permit 1 Docket No. 20 BOD Daily Avg. Conc. Limit = 30 mg/L c c 36.00 38.00 38.25 35.00 c	City of Bailey TPDES Permit No. WQoo13584001 Docket No. 2010-1826-MWD-E BOD Daily Avg. Conc. Fecal Coliform Bacteria Daily Avg. Limit = 30 mg/L Limit = 200 cfu/100 mL c 3,925.00 c 14,825.00 38.00 2,441.00 38.25 10,800.00 35.00 12,450.00 c 9,908.00				

BOD = biochemical oxygen demand

Avg. = Average Conc. = concentration

Max. = Maximum

mg/L = milligrams per liter

cfu/100 mL = colonies per 100 milliliters

c = compliant

Compliance History Report

Customer/Respondent/Owner-Operator: CN600637540 City of Bailey Classification: AVERAGE Rating: 1.12

Regulated Entity: RN101609055 CITY OF BAILEY Classification: AVERAGE Site Rating: 1.12

ID Number(s): WASTEWATER PERMIT WQ0013584001

WASTEWATER EPA ID TX0107719

WASTEWATER LICENSING LICENSE WQ0013584001

Location: APPROX 900 FT W OF FM 816 AND

3000 FT SW OF THE INTX OF FM 816 AND ST HWY 11 IN FÅNNIN CO, TX

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: October 18, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 18, 2005 to October 18, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Jennifer Graves Phone: (956) 430-6023

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes

2. Has there been a (known) change in ownership/operator of the site during the compliance period?

3. If yes, who is the current owner/operator?

4. If yes, who was/were the prior owner(s)/operator(s)?

N/A

5. When did the change(s) in owner or operator occur?

6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 01/05/2006 (451248)

2 12/29/2005 (490529)

3 12/29/2005 (490530)

4 12/29/2005 (490531)

5 12/29/2005 (490532)

6 12/29/2005 (490533)

7 12/29/2005 (490534)

8 11/27/2006 (513221)

9 09/22/2006 (527649)

10 09/21/2006 (527650)

11 09/21/2006 (527651)

12 09/21/2006 (527652)

13 09/21/2006 (527653)

14 09/21/2006 (527654) 15 09/25/2006 (527655)

15 09/25/2006 (527655) 16 09/21/2006 (527656)

17 09/22/2006 (527657)

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18 01/26/2007
                 (537183)
19
   12/04/2007
                 (629167)
   12/04/2007
                 (629168)
   12/04/2007
                 (629169)
21
22
   12/04/2007
                 (629170)
23
   12/04/2007
                 (629171)
   12/04/2007
24
                 (629172)
25 12/04/2007
                 (629173)
26 12/04/2007
                 (629174)
27 12/04/2007
                 (629175)
28 12/04/2007
                 (629176)
29 12/04/2007
                 (629177)
30 12/04/2007
                 (629178)
31 03/05/2008
                 (637915)
32 01/11/2008
                 (676626)
33 06/30/2008
                 (695160)
34 06/30/2008
                 (695161)
35 06/30/2008
                 (695162)
36 06/30/2008
                 (695163)
37 06/30/2008
                 (695164)
38 06/30/2008
                 (695165)
39 12/05/2008
                 (706732)
40 06/30/2008
                 (716665)
41 12/04/2007
                 (716666)
42 12/04/2007
                 (716667)
43 12/04/2007
                 (716668)
44 02/16/2010
                 (789382)
45 04/06/2010
                 (797916)
46 04/19/2010
                 (817640)
47 04/19/2010
                 (817641)
48 04/19/2010
                 (817642)
49 04/19/2010
                 (817643)
50 04/19/2010
                 (817644)
51 04/19/2010
                 (817645)
52 06/09/2010
                 (826072)
53 04/19/2010
                 (835422)
54 04/19/2010
                 (835423)
55 06/16/2010
                 (835424)
56
   06/16/2010
                 (847660)
57 09/10/2010
                 (860170)
58 08/04/2010
                 (868651)
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Written notices of violations (NOV). (CCEDS Inv. Track. No.)

E.

Date: 11/30/2005 (490534) CN600637540

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/27/2006 (513221) CN600637540

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.7(e)

Description: Failure to provide a lockable gate at all access points.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)

30 TAC Chapter 305, SubChapter F 305.125(11)(C)

Description: Failure to submit the annual sludge report.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with the effluent permit limits.

Self Report? NO Classification: Minor

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

Failure to submit Discharge Monitoring Reports in a timely manner. Description:

Date: 12/05/2008 (706732)CN600637540

Self Report? Classification: Minor

30 TAC Chapter 305, SubChapter F 305.125(5) Citation: 30 TAC Chapter 317 317.4(b)(2)

Failure to maintain the grit/scum chamber and clean adequately. Description:

Self Report? NO Classification: Moderate

30 TAC Chapter 319, SubChapter A 319.4 Citation:

Failure to collect and analyze samples for Ammonia Nitrogen as stated in the Description:

permit issued on 01/31/2007.

Self Report? NO Classification: Minor

30 TAC Chapter 319, SubChapter A 319.7(a) Citation:

Description: Operator Filed measurement log book for pH and DO were not available for

review.

Citation:

Self Report? NO Classification:

30 TAC Chapter 305, SubChapter F 305.125(1) Failure to prevent seepage through the seal at the bottom of the V-notch weir. Description:

This issue was addressed during the last investigation on 09/21/2006.

Date: 09/30/2009 (817642)CN600637540

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2009 (817643)CN600637540

Self Report? Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2009 (817644)CN600637540

Classification: Self Report? Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2009 (817645)CN600637540

Self Report? Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

CN600637540 Date: 01/31/2010 (817640)

Classification: Moderate Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter

Date: 02/16/2010 (789382)Self Report? NO Classification: Minor

CN600637540

30 TAC Chapter 305, SubChapter F 305.125(5) Citation:

30 TAC Chapter 317 317.4(b)(2)

Description: Failure to maintain the grit/scum chamber and clean adequately. Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.4

Description: Failure to collect and analyze samples for Ammonia Nitrogen as stated in the

permit issued on 01/31/2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)

Description: Operator Filed measurement log book for pH and DO were not available for

review.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to prevent seepage through the seal at the bottom of the V-notch weir.

This issue was addressed during the last investigation on 09/21/2006.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

WQ13584-001 PERMIT

Description: Complete failure to sample, compile, and submit discharge monitoring reports on a

monthly basis.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)

30 TAC Chapter 305, SubChapter F 305.125(11)(C)

WQ13584-001 PERMIT

Description: Complete failure to submit annual sludge reports.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

WQ13584-001 PERMIT

Description: Failure to comply with the pH effluent permit limit of 9.0 S.U.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)

WQ13584-001 PERMIT

Description: Failure to measure flow and no staff gauge available to accurately measure

effluent flow.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 319, SubChapter A 319.4 30 TAC Chapter 319, SubChapter A 319.5(b) 30 TAC Chapter 319, SubChapter A 319.7(c)

WQ13584-001 PERMIT

Description: Failure to comply with self-reported effluent permit limits and failure to submit

complete data on DMRs.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to submit noncompliance notifications for exceeding the fecal coliform

bacteria limits by greater than 40% of the permit limit.

Date: 02/28/2010 (835422) CN600637540

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2010 (835423) CN600637540

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2010 (835424) CN600637540

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Texas Commission on Environmental Quality



IN THE MATTER OF AN	Š	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF BAILEY	§	
RN101609055	§	ENVIRONMENTAL QUALITY
	_	_

AGREED ORDER DOCKET NO. 2010-1826-MWD-E

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Bailey ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant located appoximately 900 feet west of Farm-to-Market Road 816 and 3,000 feet southwest of the intersection of Farm-to-Market Road 816 and State Highway 11 in Fannin County, Texas (the "Facility").

- 2. The Respondent has discharged municipal waste into or adjacent to any water in the state under Tex. Water Code ch. 26.
- 3. During a record review on August 8, 2010, TCEQ staff documented that the Respondent failed to install a staff gauge on the final 90 degree V-notch weir.
- 4. During a record review on August 8, 2010, TCEQ staff documented the following from the self-reported monthly discharge monitoring reports ("DMR"):

EFFLUENT VIOLATION TABLE					
	BOD Daily Avg. Conc.	Fecal Coliform Bacteria Daily Avg.	Fecal Coliform Bacteria Max. Single Grab		
Month	Limit = 30 mg/L	Limit = 200 cfu/100 mL	Limit = 800 cfu/100 mL		
September 2009	С	3,925.00	7,600		
October 2009	c	14,825.00	40,000		
November 2009	36.00	2,441.00	6,600		
December 2009	38.00	1,022.50	3,000		
January 2010	38.25	10,800.00	18,000		
February 2010	35.00	12,450.00	23,000		
March 2010	c	9,908.00	35,000		
April 2010	c	250.00	c		
BOD = biochemical oxyg	en demand	mg/L = milligrams per Liter			
Avg. = Average		cfu/100 mL = colonies per 100 milliliters			
Conc. = concentration		c = compliant			
Max. = Maximum					

- During a record review on August 8, 2010, TCEQ staff documented that the Respondent did not submit the DMRs for the monitoring periods ending June 30, 2008, July 31, 2008, September 30, 2008, October 31, 2008, November 30, 2008, December 31, 2008, January 31, 2009, February 28, 2009, March 31, 2009, April 30, 2009, May 31, 2009, June 30, 2009, and July 31, 2009.
- 6. During a record review on August 8, 2010, TCEQ staff documented that the Respondent did not submit the annual sludge report for the monitoring period ending July 31, 2009 by September 1, 2009.

- 7. During a record review on August 8, 2010, TCEQ staff documented that the Respondent did not report effluent violations which deviate from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, the Respondent did not submit written notification for the fecal coliform bacteria violations for the months of September, October, November and December 2009 and January, February, March, and April 2010.
- 8. The Respondent received notice of the violations on September 13, 2010.

II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 3, the Respondent failed to install a staff gauge on the final 90 degree V-notch weir, in violation of 30 Tex. ADMIN. CODE § 319.11(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013584001, Operational Requirements No. 5.
- 3. As evidenced by Findings of Fact No. 4, the Respondent failed to comply with the permitted effluent limitations, in violation of Tex. WATER CODE § 26.121(a)(1), 30 Tex. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0013584001, Effluent Limitations and Monitoring Requirements No. 1.
- 4. As evidenced by Findings of Fact No. 5, the Respondent failed to submit the DMRs by the 20th day of the following month, in violation of 30 Tex. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d) and TPDES Permit No. WQ0013584001, Monitoring and Reporting Requirements No. 1.
- As evidenced by Findings of Fact No. 6, the Respondent failed to submit the annual sludge report for the monitoring period ending July 31, 2009, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and 305.125(17) and TPDES Permit No. WQ0013584001, Sludge Provisions.
- 6. As evidenced by Findings of Fact No. 7, the Respondent failed to report effluent violations which deviate from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and 9(A) and TPDES Permit No. WQ0013584001, Monitoring and Reporting Requirements Nos. 7.a and 7.c.
- 7. Pursuant to Tex. Water Code § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for

violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

8. An administrative penalty in the amount of Seventy-Three Thousand Six Hundred Fifty Dollars (\$73,650) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Water Code § 7.053. The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay all of the administrative penalty. Therefore, Seventy-Three Thousand Six Hundred Fifty Dollars (\$73,650) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Seventy-Three Thousand Six Hundred Fifty Dollars (\$73,650) as set forth in Section II, Paragraph 8 above, for violations of TCEQ rules and state statutes. The Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Bailey, Docket No. 2010-1826-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished and that timely noncompliance notices are sent, including the timely submittal of signed and certified monthly DMRs, noncompliance

notifications, and annual sludge reports, in accordance with TPDES Permit No. WQ0013584001;

- ii. Submit the DMRs for June 30, 2008, July 31, 2008, September 30, 2008, October 31, 2008, November 30, 2008, December 31, 2008, January 31, 2009, February 28, 2009, March 31, 2009, April 30, 2009, May 31, 2009, June 30, 2009, and July 31, 2009, in accordance with TPDES Permit No. WQ0013584001, Monitoring and Reporting Requirements; and
- iii. Install a staff gauge on the final 90 degree V-notch weir, in accordance with 30 Tex. ADMIN. CODE § 319.11(d).
- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.a, in accordance with Ordering Provision No. 2.c; and
- c. Within 365 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013584001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2309 Gravel Drive Fort Worth, Texas 76118-6951

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or

otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	9/4/12
For the Executive Director	Date
City of Bailey. I am authorized to agree Bailey, and do agree to the specified	erstand the attached Agreed Order in the matter of the se to the attached Agreed Order on behalf of the City of terms and conditions. I further acknowledge that the he penalty amount, is materially relying on such
procedural rights, including, but not lim by this Agreed Order, notice of an evide the right to appeal. I agree to the term	this Agreed Order, the City of Bailey waives certain nited to, the right to formal notice of violations addressed entiary hearing, the right to an evidentiary hearing, and as of the Agreed Order in lieu of an evidentiary hearing. inal adjudication by the Commission of the violations set
 and/or failure to timely pay the penalty A negative impact on compliance Greater scrutiny of any permit approximate Referral of this case to the Attanditional penalties, and/or atto Increased penalties in any future Automatic referral to the Attornand TCEQ seeking other relief as automatical 	e history; pplications submitted; torney General's Office for contempt, injunctive relief, rney fees, or to a collection agency; e enforcement actions; ney General's Office of any future enforcement actions;
Kenneth Burks Kenneth Burks	1-25-12 Date Mayor Pro Tem Title
Name (Printed or typed) Authorized Representative of City of Bailey	Mayor Pro Tem Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.